

THE HON'BLE SMT. JUSTICE T. MEENA KUMARI
and
THE HON'BLE SRI JUSTICE G. CHANDRAIAH

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WRIT PETITION No. 1580 of 2007
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ORDER: (Per the Hon'ble Smt. Justice T. Meena Kumari)

This writ petition is filed against the order dated 15.9.2006 passed by the A.P. Administrative Tribunal in O.A. No. 6167 of 2004.

Heard the learned Government Pleader for Services-II appearing for the petitioners and Sri J. Ugranarasimha for the respondent and perused the material available on record.

The case of the petitioners is that the respondent while working on deputation with D.P.E.P. has committed irregularities of defective execution of District Primary Education Programme School building at Narasimhapuri Colony of Petasannagedla village of Karampudi Mandal resulting loss to the Government exchequer and therefore disciplinary proceedings were initiated against him. It is further stated that subsequently the charges against him were held not proved by the Enquiry Officer and therefore the pensionary benefits in full were released to him, but the respondent filed O.A. before the Tribunal claiming interest for the delayed payments and the interim orders passed by the Tribunal dated 10.10.2004 were also implemented. The grievance of the petitioners is that the Tribunal in its final order dated 15.9.2006 directed the petitioners to pay the interest at 7% per annum on pensionary benefits from the date of retirement i.e. 31.7.2001 till the date, on which, the actual payment was made to the applicant and

such direction, having regard to the fact that there is no lapse on the part of the petitioners in releasing the pensionary benefits to the respondent soon after the charges against him were held not proved, is liable to be set aside.

Though it is contended that the interest as directed by the Tribunal is not liable to be paid to the respondent, it is clearly borne out from the material available on record that undue delay has been caused even in initiation of disciplinary proceedings, which were subsequently held not proved. Though the case of the petitioners is that they have taken steps to release the pensionary benefits soon after the charges against the respondent were held not proved, the delay is apparent and the respondent cannot be made liable for the same. It is to be seen that the proceedings went on for more than three years after retirement of the respondent – applicant without following the executive instructions that the departmental proceedings shall be completed within a period of six months or at the most one year and no plausible reason is forthcoming for the said delay. The Tribunal has considered all these aspects and rightly directed the petitioners to pay interest at 7% per annum on pensionary benefits from the date of retirement i.e. 31.7.2001 till the date, on which, the actual payment was made to the applicant and we find no error or infirmity in the said order warranting interference of this Court.

The writ petition is liable to be dismissed and it is accordingly dismissed.

However, having regard to the submission made by the learned Government Pleader for Services-II, time to complete the entire exercise is extended up to 30th October, 2007.

T. MEENA KUMARI, J.

G. CHANDRAIAH, J.

Date: 03-09-2007.

MVB.